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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,761	07/01/2003	Madonna M. Ray	P6205US	2152
30173	7590	08/03/2007		
GENERAL MILLS, INC. P.O. BOX 1113 MINNEAPOLIS, MN 55440			EXAMINER TRAN LIEN, THUY	
			ART UNIT 1761	PAPER NUMBER
			MAIL DATE 08/03/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/611,761

**Applicant(s)**

RAY ET AL.

**Examiner**

Lien T. Tran

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

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Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pulver et al in view of the book "Breads".

Pulver et al disclose a dough intermediate and process of making it. The dough pieces include a cut on the surface of the dough pieces and plasticizing fluid such as oil or margarine or butter is sprayed on the dough pieces. The cut is through the skins of the proofed dough pieces exposing the interiors thereof. In subsequent baking, the top skin is baked to form a crust which is of darker color than the interior surfaces. Such slit dough pieces are highly decorative and desirable in the market place. ( see col. 1 lines 30-56, col. 5 lines 1-5, col. 6 lines 48-50)

Pulver et al do not disclose the BSV of the product, the extend of the cut, partially baking before distribution, the temperature of baking and the method of baking.

The book "Breads" teaches various way is which dough is cut, shaped, stamped, slit etc. to create various configuration and design such as lobe, crown etc... The book also teaches to brush the dough with butter for a velvety finish.

Pulver et al are silent about forming lobes, section or sections. However, they do teach slitting the dough which will give crown, section or portion as shown by the cookbook. Furthermore, it would have been obvious to cut, slit, stamp etc.. the dough depending on the design wanted. Such parameter is notoriously well known in the art as exemplified in the teaching of the cookbook. Since the dough pieces are sprayed with butter, oil or margarine, it is obvious the properties of increasing fluidity and restricting dehydration will occur. The BSV volume varies depending on the type of dough and the texture wanted. It would have been obvious to one skilled in the art to

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determine the optimum BSV for the particular dough made. It would have been to vary the depth of the cut depending on the configuration wanted. This can readily be determined by one skilled in the art. It would have been obvious to partially bake the dough pieces when one wanting to make a par-baked product to quicken the processing time before consumption. Such product is notoriously well known in the art. It would have been obvious to one skilled in the art to determine the appropriate baking temperature and the baking method because baking of dough product is notoriously well known in the art. The forming of the dough pieces inherently involves the steps cited in claim 12. It would have been obvious to coat the baked dough pieces with butter or oil to enhance the taste and flavor of the product. This is notoriously well known in the art as one commonly spreads butter or oil on bread after baking.

In the response filed 5/14/07, applicant argues Pulver et al are completely absent of any discussion relative to the formation of par-baked intermediates and explicitly states that water is a preferred fluid. This argument is not persuasive. Pulver et al teach to spray a fluid material to a raw dough piece and the fluid includes margarine, butter and oil. All of these materials are the same as the claimed plasticizing agents. While water is preferred, Pulver et al teach explicitly teach margarine, butter and oil may be used instead of water. A preferred embodiment is not the only embodiment. Pulver et al teach applying the fluid to raw dough which is then baked. Whether the product is fully baked or par-baked depends on the type of product wanted. If a heat-and serve type of product is wanted, it would have been obvious to par-baked the dough or if ready to eat type of product is wanted, it would have been obvious to fully

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bake the dough. Applicant admits in the response that the preparation of par-baked intermediates is known. As to the recognition of the claimed benefits, Pulver et al teach to use the same plasticizing agents; thus, the product will have the benefits as claimed whether or not such fact is disclosed. With respect to the "Breads" reference, applicant argues that it is absent of any teaching relative to par-baked and the use of plasticizing layer on the dough to maintain moisture. The Breads reference is used to show that cutting or slitting will give a crown section. The issue of the product being par-baked or fully baked is the same as the product disclosed in Pulver et al. The reference also teaches coating with butter; this demonstrates that the concept of coating or brushing with a fat is notoriously well known in the art. Whether the heating step is a fully baking step or a partially baking step depends on the type of product wanted and is not dictated by the coating or brushing with fat. If the same agent is used, then the same benefit is obtained whether or not it is disclosed. Applicant questions the combination of the reference. Pulver et al disclose an apparatus but they also disclose a dough product which is the product disclosed in the Bread reference. The book is used to show that slitting of the dough give a section, lobe etc.. because Pulver et al do not specifically state the appearance of the product.

Applicant's arguments filed 5/14/07 have been fully considered but they are not persuasive.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lien T. Tran whose telephone number is 571-272-1408. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hendricks Keith can be reached on 571-272-1401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

July 27, 2007

  
LIEN TRAN  
PRIMARY EXAMINER  
